

Before the
N.H. Board of Medicine
Concord, NH 03301

In the Matter of :

Donald R. Bisson, R.C.P.
(Misconduct Allegations)

Docket No. 97-001

RECOMMENDED DECISION

By: Maureen P. Knepp, PA-C, *Presiding Officer*

The Board of Medicine ("the Board") commenced this proceeding on March 5, 1997 to determine whether disciplinary sanctions should be imposed under RSA 326-E:9 for fraud or deceit in procuring or attempting to procure renewal of a license to practice respiratory care. Donald R. Bisson, R.C.P. ("the licensee") tendered checks to the board on three separate occasions in 1993, 1995 and 1996 for renewal of his license which were returned for insufficient funds. On each occasion, he was notified of his default and requested to make restitution. He did not do so on any of these occasions. The above referenced Hearing Officer was appointed by the Board President to take evidence in this case and to prepare this recommended decision pursuant to Med 207.04 of the Board's rules.

The licensee appeared before the hearing officer on April 28, 1997 and presented testimony which does not contradict in any material fashion the allegations set forth in the Board's "Order to Show Cause." It is the conclusion of the hearing officer that the licensee did procure renewal of his license by fraud and deceit pursuant to RSA 326-E:9 in that he submitted checks which were returned


for insufficient funds and when notified of the deficiencies did not make restitution of those funds. The licensee did provide testimony of extenuating personal circumstances leading to this conduct. It is the opinion of the hearing officer that these circumstances provide sufficient basis to conclude that the licensee's conduct did not constitute an intention to defraud the board.

It is therefore the recommendation of the hearing officer that the licensee be required to make restitution to the Board for all outstanding renewal fees, collection fees and banking charges totalling \$185.00. It is further recommended that the licensee be assessed a fine of \$100.00 for each renewal, 1993, 1995 and 1996 which was procured by insufficient funds for a total of \$300.00. The hearing officer further recommends that Donald R. Bisson's license to practice respiratory care be suspended until such time as he pays the required fine and restitution amounts. Finally, the licensee should be required to make payments for all future renewals in either cash, certified check or money order.

This decision is a recommended, or initial, decision prepared under Med 207.04 and will become final on the 41st day after which it is served unless exceptions are filed by a party or the board elects to take action on its own motion.

BY ORDER OF THE
PRESIDING OFFICER

Dated: 4/29/97


Karen Lamoureux,
Administrator